



**STATE OF TENNESSEE
DEPARTMENT OF HUMAN SERVICES**

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PHIL BREDESEN
Governor

VIRGINIA T. LODGE
Commissioner

July 9, 2007

Cindy Gardner, Esq.
Client Assistance Program
2416 21st Avenue South, Suite 100
Nashville, Tennessee 37212

Dear Cindy:

Thank you for taking the time to submit written comments to the fiscal year 2008 State Plan for Vocational Rehabilitation. Public feedback is critical to the success of the vocational rehabilitation program, and the Division of Rehabilitation Services (DRS) gives careful consideration to the feedback it receives. Allow me to respond to some of the points raised in your letter dated May 22, 2007.

University Attendance Policy

DRS is aware that Tennessee universities define "full-time student" as enrollment in a minimum of 12 credit hours per semester, but they still require 120 credit hours for a bachelor's degree. The 12 credit hour rate of study would result in five years, rather than the typical four years, to achieve a bachelor's degree. DRS does not presume that individuals with disabilities are less able than students without disabilities to complete a bachelor's degree in four years (15 credit hours per semester). Nevertheless, DRS is committed to tailoring service to the individual needs of clients and grants exceptions to its university attendance policy in instances where:

- a. The client's disability is too severe,
- b. The client has a temporary illness or has had a recent accident,
- c. The client needs time to adjust to the requirements of college,
- d. There are not enough class hours available for the term, or
- e. A student in good standing needs fewer than 12 hours during the final semester before graduation.

The exceptions are granted liberally, and clients are given clear notice of the opportunities for such exceptions. A client enrolling in post-secondary education is required to review and sign our "Student Letter of Understanding." This document, which has been approved by the SRC, clearly communicates that a client "may have reason to request an exception to attendance requirements," details some of the criteria, and outlines how to request an exception. We are unaware of any fair hearing requests or other contacts from clients stemming from an inability to get an exception granted. If CAP will provide us with names of specific individuals who have

contacted CAP on this issue, DRS will review the cases to ensure that clients needing exceptions to the attendance policy receive them.

CAP refers to a need to change the University attendance policy in order to better suit clients in priority category one (most significant disabilities) due to the Order of Selection. While DRS currently is serving new clients only in priority category one, there are still a significant number of clients in the other three priority categories whose service started prior to the Order of Selection. In fact, 34% of our undergraduate education dollars in 2006 were spent on priority category 2, 3, and 4 cases. The attendance policy is designed to meet the typical needs of all priority categories, and the exceptions are granted in order to tailor service for those clients in any priority category for whom the policy is inappropriate. An encompassing policy is likewise important as we take initial steps to expand serve beyond priority category one.

Cooperative Agreements with Community Resource Providers

DRS agrees with CAP that community resource providers (CRP) have a responsibility to provide top-quality service, including job placement service, to our clients. We have revised our Letters of Understanding this year to place greater emphasis on accountability and successful outcomes. Our Quality Improvement unit is exploring the development of "report card" for CRP's that will give counselors, clients, and the public a better idea of how a CRP compares to its peers on service and placement success.

Comprehensive System of Personnel Development

The federal mandate for a Comprehensive System of Personnel Development (CSPD) has been the most difficult federal mandate for DRS to meet. Preliminarily, let us update and clarify the figures reflected in the state plan draft:

- There are 207 caseload carrying counselor level positions, 12 are vacant, and 62 meet CSPD (30%).
- In addition, there are 12 supervisory level staff members and 10 counselor level staff members (4 evaluators, 3 employment counselors, and 3 TRC staff) who meet CSPD, but are not involved in carrying caseloads or caseload supervision.
- There are 28 staff members currently in an education plan, including 10 who are finishing their degrees this summer.

DRS has requested technical assistance from RSA in order to help increase the percentage of CSPD qualified staff. Tennessee's salary for CSPD qualified counselors is competitive with other states, but the most difficult challenge is posed by the sparse number of CSPD qualified applicants. Although giving greater weight to applicants with master's degrees in rehabilitation counseling has helped us reach CSPD qualified applicants more easily in our career service system, there still are not enough CSPD qualified applicants to fill our vacancies. Therefore, to require a master's degree in vocational rehabilitation at entry level would mean that the Division could not fill a number of open positions, particularly in rural areas. This would have a detrimental effect on client service. Similarly, to develop a counselor classification limited to counselors holding master's degrees in rehabilitation counseling would require limiting some counselor functions such as eligibility determination and plan development to less than half of incumbent counselors and to new counselors holding master's degrees, for which the qualified applicant pool is already too small. Again, clients would suffer from the resulting staff shortage.

Given the sparse applicant pool, DRS is exploring the possibility of designating a staff position with total responsibility for our CSPD activities, including recruitment activities for applicants who already have a master's degree in rehabilitation counseling and working with rehabilitation counseling master's programs inside and outside of Tennessee to increase the qualified applicant pool. During its monitoring visit, RSA encouraged this idea. It would give DRS the staff resources to draw applicants from master's programs and from the existing certified rehabilitation counselor market, where many certified rehabilitation counselors choose to work in private industry where finances are not as limited. This staff member could also work with the Department of Human Resources to ensure that we have not overlooked inappropriate references to persons with disabilities in our materials.

DRS has taken advantage of all RSA grant opportunities to sponsor incumbent staff members in pursuing master's degrees, but there are not enough dollars to reach the federal mandate without also spending significant vocational rehabilitation dollars. Currently, we sponsor about \$1300 annually on books and supplies per staff member who pursues a degree on an RSA grant. If DRS were to supplement the RSA grant program with vocational rehabilitation dollars to raise all remaining incumbent counselors to the CSPD mandate, it would cost in excess of \$6 million dollars of the money we are currently using to serve clients.

Order of Selection

For the time period referred to in your letter, only one (1) fair hearing addressed the issue of incorrect priority category determination. This hearing (held June 18, 2007) was initially sought to contest the existence of the Order of Selection, but was allowed to be changed to a hearing on incorrect priority category. There has not yet been a ruling on this hearing.

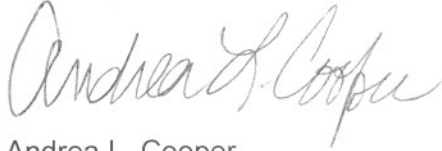
DRS would like more specifics on the data referred to in your letter so that, together, we can determine if there is a problem with errors being made by a few isolated staff members, a whole region, or statewide. Fourteen individuals in one counselor's caseload presents a vastly different performance picture than fourteen cases out of the 41,524 clients we serve annually on a statewide basis. We do extensive quality assurance reviews on statewide samples of cases, and supervisors use the quality assurance data to identify and resolve potential service delivery problems. However, because quality assurance is not designed to review every case, CAP can assist us by notifying us with specifics on individual complaints whose cases may not have been reviewed in the quality assurance sample.

The data used in your discussion on DRS administrative spending is incorrect, so allow me to clarify. Between FY 06 and FY 07, DRS had a net increase in its number of staff positions from 603 to 651. Two positions were added in blind services to administer our statewide program of collecting unassigned revenues for the Tennessee Business Enterprises (TBE) program. During the same year, the Division lost a vacant administrative assistant position. The other 47, not 30, positions were added to convert transition school to work case managers to DRS employees per a recommendation from RSA. The money for these positions was already budgeted as contract dollar expenditures.

Administrative expenditures are much lower than reported in your letter. DRS spent a total of \$59.1 million (over 78% of VR funds) on client services including contracts, staff directly serving clients, authorizations and invoices, and rehabilitation center services. Administrative expenses were \$16.8 million, and only 20% of that administrative cost (\$3.4 million) was spent on administrative staff. DRS discovered an overstatement in the amount of administrative expenses reported to RSA and is in the process of correcting the report.

Thank you for the opportunity to respond, and I look forward to further details from your data so that we can address your issues together.

Sincerely,

A handwritten signature in cursive script, reading "Andrea L. Cooper". The signature is written in dark ink and is positioned above the printed name.

Andrea L. Cooper

ALC:jf